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Chapter No. 93

SENATE BILL No. 313

AN ACT concerning motor vehicles; relating to autonomous motor vehicles; providing for the use and regulation thereof; establishing the autonomous vehicle advisory committee; amending K.S.A. 2021 Supp. 8-2106 and 8-2204 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. As used in sections 1 through 10, and amendments thereto, unless the context otherwise requires:

(a) "ADS-equipped vehicle" means a motor vehicle equipped with an automated driving system.

(b) "Automated driving system" means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the system is limited to a specific operational design domain, if any.

(c) "Conventional human driver" means a natural person who manually controls the in-vehicle accelerating, braking, steering and transmission gear selection input devices in order to operate a motor vehicle.

(d) "Driverless-capable vehicle" means an ADS-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system's operational design domain, if any, including, but not limited to, achievement of a minimal risk condition without intervention or supervision by a conventional human driver.

(e) (1) "Dynamic driving task" means all real-time operational and tactical functions required to operate a motor vehicle on a highway in traffic within an automated driving system's specific operational design domain, if any.

(2) "Dynamic driving task" does not include any strategic function such as trip scheduling or the selection of destinations and waypoints.

(f) "Minimal risk condition" means a reasonably safe state to which an automated driving system brings an ADS-equipped vehicle upon experiencing a performance-relevant failure of the system that renders the system unable to perform the entire dynamic driving task, including, but not limited to, removing the vehicle to the nearest shoulder if the vehicle is capable of doing so, bringing the vehicle to a complete stop and activating the vehicle's emergency signal lamp.

(g) "On-demand driverless-capable vehicle network" means a transportation network company as defined in K.S.A. 8-2702, and amendments thereto, that uses a software application or other digital means to dispatch driverless-capable vehicles for the purposes of transporting persons or goods, including, but not limited to, transportation for hire and public transportation.

(h) "Operational design domain" means a set of operating conditions under which a given automated driving system feature is specifically designed to function. "Operational design domain" includes, but is not limited to, environmental, geographical and time-of-day restrictions or the requisite presence or absence of certain traffic or roadway characteristics.

(i) "Transportation for hire" means all transportation of property or passengers made available by a person for compensation.

New Sec. 2. (a) A driverless-capable vehicle may operate on the public highways of this state without a conventional human driver with the automated driving system engaged if the vehicle meets all of the following conditions:

(1) The vehicle is capable of achieving a minimal risk condition if a malfunction of the automated driving system occurs that renders the system unable to perform the entire dynamic driving task within the system's intended operational design domain, if any;

(2) while in driverless operation, the vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task;

(3) when required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of manufacture the vehicle has been certified to be in compliance with all applicable federal motor vehicle safety standards, including any reference to any exception granted by the national highway traffic safety administration; and

(4) the driverless-capable vehicle cannot exceed 34,000 pounds on tandem axles. The provisions of this paragraph shall expire and have no effect on and after July 1, 2025; and

(5) a conventional human driver shall be required to be physically present in every driverless-capable vehicle placed into service in Kansas for the 12 consecutive months from the date on which the vehicle is placed into service in this state. The provisions of this paragraph shall not apply to a person who operates a:

(A) Vehicle that is not designed, intended or marketed for human occupancy; or

(B) dedicated driverless-capable vehicle that lacks manual controls for operation by a conventional human driver.

(b) Prior to operating a driverless-capable vehicle on the public roads of this state without a conventional human driver, the owner of such driverless-capable vehicle shall submit a law enforcement interaction plan to the Kansas highway patrol that describes:

(1) How to communicate with a fleet support specialist who is available during the times the vehicle is in operation, and on which side of the vehicle contact information of the fleet support specialist is readily visible;

(2) information regarding safety considerations for first responders in dealing with a driverless-capable vehicle as the result of collision or fire;

(3) how to recognize whether the driverless-capable vehicle is in autonomous mode; and

(4) any additional information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risks associated with the operation of the driverless-capable vehicle.

(c) (1) The operation of an ADS-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system's operational design domain on the public highways of this state while a conventional human driver is present and expected to respond to a request to intervene, shall be lawful. During such operation, the conventional human driver shall possess a valid driver's license pursuant to K.S.A. 8-234b, and amendments thereto, and shall be subject to the required insurance, self-insurance or other financial security required pursuant to K.S.A. 40-3104, and amendments thereto. The conventional human driver shall operate the ADS-equipped vehicle according to the manufacturer's requirements and specifications and shall regain manual control of the vehicle when prompted by the automated driving system.

(2) An automated driving system, while engaged, shall be designed to operate within the system's operational design domain in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task.

(d) Except as provided in this section, the motor vehicle laws of this state shall not be construed to require a conventional human driver to operate a driverless-capable vehicle that is being operated by an automated driving system. The automated driving system, while engaged, shall be deemed to fulfill any physical acts required of a conventional human driver to perform the dynamic driving task.

(e) Sections 1 through 10, and amendments thereto, shall not be construed to modify the responsibilities of a conventional human driver that operates a system-equipped vehicle when the automated driving system is not engaged.

New Sec. 3. Before an ADS-equipped vehicle is allowed to operate on the public highways of this state, the owner shall obtain insurance, self-insurance or other financial security coverage for the vehicle. An ADS-equipped vehicle shall not operate on the highways of this state unless insurance, self-insurance or other financial security coverage is in effect for the vehicle and unless proof of coverage is carried in the vehicle pursuant K.S.A. 40-3104, and amendments thereto.

New Sec. 4. In the event of an accident that would otherwise be subject to K.S.A. 8-1602 through 8-1606 and 8-1609, and amendments thereto, such provisions shall not apply to a driverless-capable vehicle operating without a conventional human driver if the vehicle remains at the scene or in the immediate vicinity of the accident until law enforcement arrives or vehicle registration and insurance information is provided to the parties affected by the accident, and either:

(a) The vehicle owner, or a person acting on behalf of the vehicle owner, promptly contacts the applicable law enforcement agency to report the accident; or

(b) for a vehicle that has the capability of promptly alerting a law enforcement agency or emergency services, the vehicle alerts a law enforcement agency or emergency services to the accident.

New Sec. 5. A person may operate an on-demand driverless-capable vehicle network, with the exception that any provision of K.S.A. 8-2701 et seq., and amendments thereto, that only applies to a conventional human driver would not apply to the operation of a driverless-capable vehicle with the automated driving system engaged on an on-demand driverless-capable vehicle network. An on-demand driverless-capable vehicle network may be used to facilitate the transportation of persons or goods, including, but not limited to, transportation for hire and public transportation. An on-demand driverless-capable vehicle network may connect passengers to driverless-capable vehicles either exclusively or as part of a digital network that also connects passengers to conventional human drivers who provide transportation services, pursuant to K.S.A. 8-2701 et seq., and amendments thereto, or any other applicable laws, in vehicles that are not driverless-capable vehicles.

New Sec. 6. (a) (1) Automated driving systems and ADS-equipped vehicles shall be governed by:

(A) Sections 1 through 10, and amendments thereto; and

(B) all applicable traffic and motor vehicle safety laws.

(2) Automated driving systems and ADS-equipped vehicles shall be regulated exclusively by the Kansas highway patrol. Violations of state and local traffic laws are enforceable as if the vehicle has a licensed human driver on board.

(3) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of sections 1 through 10, and amendments thereto.

(b) A political subdivision of the state shall not impose requirements, including, but not limited to, performance standards specific to the operation of ADS-equipped vehicles, automated driving systems or on-demand driverless-capable vehicle networks that are in addition to the requirements set forth pursuant to sections 1 through 10, and amendments thereto. A political subdivision of the state shall not impose a tax on ADS-equipped vehicles, automated driving systems or on-demand driverless-capable vehicle networks if such tax relates specifically to the operation of ADS-equipped vehicles, automated driving systems or on-demand driverless-capable vehicle networks.

New Sec. 7. (a) A driverless-capable vehicle shall be properly registered in accordance with K.S.A. 8-127, and amendments thereto. If a driverless-capable vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle.

(b) A driverless-capable vehicle shall be properly titled in accordance with K.S.A. 8-135, and amendments thereto. If a driverless-capable vehicle is titled in this state, the vehicle shall be identified on the title as a driverless-capable vehicle.

New Sec. 8. A driverless-capable vehicle that is also a commercial motor vehicle pursuant to K.S.A. 8-143m, and amendments thereto, may operate pursuant to state laws governing the operation of commercial motor vehicles, except that:

(a) Any provision that reasonably only applies to a conventional human driver does not apply to such a vehicle operating with the automated driving system engaged; and

(b) such a vehicle shall not carry hazardous materials as defined in K.S.A. 48-904, and amendments thereto. The provisions of this subsection do not apply to transporting articles and substances prepared in accordance with 49 C.F.R. § 172.315 or that otherwise do not require placarding pursuant to the federal hazardous materials regulations provided in 49 C.F.R. parts 100 through 110. The provision of this subsection shall expire on January 1, 2025.

New Sec. 9. The uniform act regulating traffic on highways, to the extent practicable, shall be interpreted and applied for the use of a driverless-capable vehicle. Such provisions shall not require any additional provisions, including, but not limited to, operation by a conventional human driver seated in the vehicle.

New Sec. 10. A driverless-capable vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment laws or regulations of this state that:

(1) Support motor vehicle operation by a conventional human driver seated in the vehicle, including, but not limited to, mirrors, windshields and windshield wipers; and

(2) are not relevant for an automated driving system.

New Sec. 11. (a) There is created the autonomous vehicle advisory committee that will include the following members:

(1) Two members of the senate to be appointed by the president of the senate;

(2) one member of the senate to be appointed by the minority leader of the senate;

(3) two members of the house of representatives to be appointed by the speaker of the house of representatives;

(4) one member of the house of representatives to be appointed by the minority leader of the house of representatives;

(5) the director of vehicles or the director's designee;

(6) the secretary of transportation or the secretary's designee;

(7) the superintendent of the highway patrol or the superintendent's designee;

(8) two members appointed by the governor from labor organizations;

(9) two members appointed by the chairperson of the state corporation commission;

(10) one member appointed by the Kansas league of municipalities;

(11) one member appointed by the Kansas association of counties;

(12) one member appointed by the governor from the light-duty motor vehicle manufacturers;

(13) one member appointed by the governor from the original equipment manufacturers;

(14) one member appointed by the governor from the original equipment manufacturers trade association;

(15) one member appointed by the governor from the heavy-duty motor vehicle manufacturers;

(16) one member appointed by the governor from the automated driving system developers;

(17) one member appointed by the governor from the automated driving system developers trade association;

(18) one member appointed by the governor from the automated driving system manufacturers;

(19) one member appointed by the governor from the on-demand transportation network companies;

(20) one member appointed by the Kansas sheriffs' association;

(21) one member appointed by the Kansas state troopers association;

(22) one member appointed by ABATE of Kansas;

(23) one member appointed by the foundation for traffic safety; and

(24) one member appointed by the Kansas public transit association.

(b) The speaker of the house of representatives shall select one member of the autonomous vehicle advisory committee who is a member of the house of representatives to serve as chairperson of the advisory committee during even-numbered calendar years. The president of the senate shall select one member of the autonomous vehicle advisory committee who is a member of the senate to serve as chairperson of the advisory committee during odd-numbered calendar years.

(c) Members of the autonomous vehicle advisory committee shall serve without compensation.

(d) The autonomous vehicle advisory committee may meet in an open meeting at any time upon the call of the chairperson.

(e) On or before July 1, 2023, and each July 1 thereafter, the autonomous vehicle advisory committee shall submit to the governor, president of the senate and speaker of the house of representatives a report of activities and any recommendations regarding the use or regulation of autonomous motor vehicles in this state.

(f) The provisions of this section shall expire on July 1, 2027.

Sec. 12. K.S.A. 2021 Supp. 8-2106 is hereby amended to read as follows:

8-2106. (a) A law enforcement officer may prepare and deliver to a person a written traffic citation on a form approved by the division of motor vehicles, if the law enforcement officer stops the person for a violation of:

(1) The uniform act regulating traffic on highways, which violation is a misdemeanor or a traffic infraction;

(2) K.S.A. 8-262, 8-287, 8-2, 144, 8-1599, 40-3104, 40-3106, 41-715, 41-724, 41-727, 47-607, 66-1, 111, 66-1, 129, 66-1, 139, 66-1, 140, 66-273, 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 66-2104, 68-2106, ~~or~~ ~~subsection (b) of K.S.A. 8-79-34~~ 122(f); or K.S.A. 2021 Supp. ~~subsection (a) of~~ 21-5607(a), 21-5810, 21-5815, 21-5816, ~~subsection (a) of~~ 21-5817(a) or 21-6203, and amendments thereto;

(3) K.S.A. 31-155, and amendments thereto, involving transportation of bottle rockets;

(4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any rules and regulations adopted pursuant thereto;

(5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-2001 or 31-146, and amendments thereto;

(6) any rules and regulations adopted pursuant to K.S.A. 31-133, and amendments, thereto relating to transportation of materials or fuel; ~~or~~

(7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating to the child passenger safety act; or

(8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating to the safety belt use act.

(b) The citation shall contain a notice to appear in court, the name and address of the person, the type of vehicle the person was driving, whether hazardous materials were being transported, whether an accident occurred, the state registration number of the person's vehicle, if any, a statement whether the vehicle is a commercial vehicle, whether the person is licensed to drive a commercial motor vehicle, the offense or offenses charged, the time and place when and where the person shall appear in court, the signature of the law enforcement officer, and any other pertinent information.

(c) The time specified in the notice to appear shall be at least five days after the alleged violation unless the person charged with the violation demands an earlier hearing.

(d) The place specified in the notice to appear shall be before a judge of the district court within the county in which the offense is alleged to have been committed.

(e) Except in the circumstances to which ~~subsection (e) of~~ K.S.A. 8-2104(a), and amendments thereto, apply, in the discretion of the law enforcement officer, a person charged with a misdemeanor may give written promise to appear in court by signing at least one copy of the written citation prepared by the law enforcement officer, in which event the law enforcement officer shall deliver a copy of the citation to the person and shall not take the person into physical custody.

(f) When a person is charged with a traffic infraction, the notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and plead guilty or no contest. Such notice to appear shall contain a provision that the person's failure to either pay such fine and court costs or appear at the specified time may result in suspension of the person's driver's license as provided in K.S.A. 8-2110, and amendments thereto. The notice to appear shall provide a space where the law enforcement officer shall enter the appropriate fine specified in the uniform fine schedule contained in K.S.A. 8-2118, and amendments thereto, for the violation charged and court costs in the amount provided by law. If the notice to appear does not do so, the law enforcement officer shall provide a person charged with a traffic infraction a form explaining the person's right to appear and right to a trial and the person's right to pay the appropriate fine and court costs prior to the appearance date. The law enforcement officer shall provide the person with the address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine and court costs shall be mailed.

(g) Any officer violating any of the provisions of subsection (f) is guilty of misconduct in office and shall be subject to removal from office.

(h) A driverless-capable vehicle's registered owner shall be responsible for all applicable traffic law violations when the automated driving system is engaged. For the purposes of prosecution of traffic law violations, the owner is considered to be the operator of the vehicle when the automated driving system is engaged. A law enforcement officer shall deliver the written traffic citation to a person charged with a traffic infraction to the owner of the driverless-capable vehicle operating without a conventional human driver as such terms are defined by section 1, and amendments thereto, by sending the citation by certified mail to the address of the owner.

Sec. 13. K.S.A. 2021 Supp. 8-2204 is hereby amended to read as follows:

8-2204. This act shall be known and may be cited as the uniform act regulating traffic on highways. The uniform act regulating traffic on highways includes ~~K.S.A. 8-1466 through 8-1469~~ all sections located in articles 10, 14 through 22 and 25 of chapter 8 of the Kansas Statutes Annotated; and amendments thereto. K.S.A. 8-1, 129, 8-1, 130a, 8-1428a, ~~8-1560a through 8-1560d~~ 8-1560d, ~~8-1599~~, 8-1742a; ~~and 8-2118 and K.S.A. 8-1609~~, and amendments thereto, and sections 1 through 10, and amendments thereto.

Sec. 14. K.S.A. 2021 Supp. 8-2106 and 8-2204 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.